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RCE

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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

|                      |                  |
|----------------------|------------------|
| Application No.      | 09/780,142       |
| Filing Date          | February 9, 2001 |
| First Named Inventor | Miller           |
| Group Art Unit       | 1644             |
| Examiner Name        | Huynh, Phuong N. |
| Attorney Docket No.  | MEE-002          |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

### NOTES

**RCE v. CPA:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term-adjustment provisions of the AIPA.

**FEE AND SUBMISSION REQUIRED:** A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

**RCE APPLIES TO:** An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

**RCE DOES NOT APPLY TO:** (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

### 1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☐ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on \_\_\_\_.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_.
- c. ☒ Amendment/Response enclosed.
- d. ☒ Affidavit(s)/Declaration(s) enclosed.
- e. ☒ Information Disclosure Statement (IDS) enclosed.
  - i. ☒ PTO-1449
  - ii. ☒ Copies of IDS Citations
- f. ☐ Other:

### 2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Small entity status
  - i. ☒ was established in the prior nonprovisional application.
  - ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☒ A Petition and Fee for Extension of Time for 1 month up to and including September 19, 2005 is enclosed herewith.
- c. ☒ A check in the amount of \$ 455.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$ \_\_\_\_, to Deposit Account No. 07-1700.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 07-1700.


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### 3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.  
b. ☒ Other: Fee Transmittal Form; Curriculum Vitae of Joan W. Miller, M.D.; Courtesy copy of Supplemental Form PTO-1449 citing previously cited references C133, C134, and C138; Courtesy copy of reference C115.

| CORRESPONDENCE ADDRESS   | SIGNATURE BLOCK   |
|--|---|
| <p>Direct all correspondence to: Patent Administrator<br/>Goodwin Procter LLP<br/>Exchange Place<br/>Boston, MA 02109<br/>Tel. No.: (617) 570-1000<br/>Fax No.: (617) 523-1231<br/>Customer No. 051414</p> | <p>Respectfully submitted,</p> <p></p> <p>Date: September 19, 2005<br/>Reg. No. 45,508<br/>Tel. No.: (617) 570-1809<br/>Fax No.: (617) 523-1231</p> <p>Daniel A. Wilson<br/>Attorney for Applicant<br/>Goodwin Procter LLP<br/>Exchange Place<br/>Boston, MA 02109</p> |